REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are directed to non-statutory subject matter under the provisions of 35 U.S.C. §101 or anticipated under the provisions of 35 U.S.C. §102. Thus, the Applicants believe that all of the presented claims are in condition for allowance.

I. IN THE SPECIFICATION

The Examiner notes that trademarks used in the Specification should be capitalized wherever they appear and accompanied by the appropriate generic terminology.   The Applicants have made every effort in previous responses to appropriately designate every trademark of which they are aware in the Specification. If the Examiner still believes that a particular term used in the Specification is a trademark and has not been designated as such appropriately, it is respectfully requested that the Examiner alert the Applicants to the particular term(s) so that appropriate amendments can be made, if necessary.

II. OBJECTION TO CLAIMS 26-27 AND 29-31

The Examiner objects to claims 26-27 and 29-31 for informalities. In response, the Applicants have amended claims 26-27 and 29-31, in accordance with the Examiner's suggestion, to recite a "computer readable medium", replacing a "computer readable media". Accordingly, the Applicants respectfully request that the objection to claims 26-27 and 29-31 be withdrawn.

III. REJECTION OF CLAIMS 26-27 AND 29-31 UNDER 35 U.S.C. §101

The Examiner objects to claims 26-27 and 29-31 under 35 U.S.C. §101, for being allegedly directed to non-statutory subject matter. Specifically, the Examiner alleges that claims 26-27 and 29-31 "recite nothing but the physical characteristics of a form of energy". The Applicants respectfully traverse the rejection.

In particular, the Applicants respectfully submit that the Examiner is misinterpreting the Applicants' previous arguments regarding the nature of the computer

readable medium as an article of manufacture. The Examiner submits, for example, that "[t]he recited processor of the claims only serves as an intended use limitation rather than a hardware component to qualify it as a product of manufacture" (Office Action, Page 13). The Applicants respectfully submit that it is not the <u>processor</u> to which they were referring in describing the "article of manufacture", but the <u>computer readable medium</u> itself.

35 U.S.C. §101 allows for a broad interpretation of the term "manufacture" (*See, e.g.,* MPEP 2105). For instance, the Court in *Diamond v. Chakrabarty* (447 U.S. 303, 308-09, 206 USPQ 193, 197 (1980)) found that "in choosing such expansive terms as 'manufacture' and 'composition of matter,' modified by the comprehensive 'any,' Congress plainly contemplated that the patent laws would be given wide scope". The Court further found that a "<u>nonnaturally occurring manufacture</u> or composition of matter - a <u>product of human ingenuity</u> -having a distinctive name, character, [and] use" is patentable subject matter (emphasis added). The Applicants respectfully submit that the computer-readable medium comprising at least one of: a non-volatile medium, or a volatile medium <u>carrying instructions that are readable by a processor</u> are made by man and are not naturally occurring phenomena. Thus, the Applicants respectfully submit that the invention recited in claims 26-27 and 29-31 is at least a "manufacture" within the meaning of 35 U.S.C. §101.

Accordingly, the Applicants respectfully submit that the subject matter to which claims 26-27 and 29-31 is drawn is patentable, and, as such respectfully request that the rejection of claims 26-27 and 29-31 under U.S.C. §101 be withdrawn.

IV. REJECTION OF CLAIMS 1-2, 4-15, 17-27, AND 29-31 UNDER 35 U.S.C. §102

The Examiner rejects claims 1-2, 4-15, 17-27, and 29-31 as being anticipated under 35 U.S.C. §102(e) by the Grindrod patent (U.S. Patent No. 6,868,413, issued March 15, 2005, hereinafter referred to as "Grindrod"). In response, the Applicants have amended independent claims 1, 14, and 26 in order to more clearly recite aspects of the present invention.

The Examiner's attention is respectfully directed to the fact that Grindrod fails to teach or suggest the novel invention of designating a customizable element of a set as

a customizable template where <u>the customizable element is selected by an end-user</u>, as recited in Applicants' independent claims 1, 14 and 26.

By contrast, the cited portions of Grindrod <u>at most</u> teach that a user (*e.g.*, an administrator) can build expressions or conditions for business logic rules by entering variables into a user interface that has been <u>dictated to the user</u>. In other words, Grindrod teaches a method for <u>completing a predefined "template"</u> having <u>predefined fields that</u> are modifiable by a user (*i.e.*, the user interface tells the user what is "customizable"). Nowhere in Grindrod is a method taught in which the user interface - or a template - itself is created by <u>designating which elements of a set will be customizable by a user</u> (*e.g.*, such that the user can decide what is customizable).

Thus, Grindrod fails to teach or suggest designating a customizable element of a set as a customizable template, where <u>the customizable element is selected by an end-user</u>, as recited by Applicants' claims 1, 14 and 26. Specifically, Applicants' claims 1, 14 and 26 positively recite:

> 1. A method of customizing a rule-based application, the method comprising:
> <u>designating a customizable element of a set as a customizable template, the customizable element being selected by an end-user;</u>
> compiling said customizable element into at least one object to form a ruleset; and
>
> parsing said set to detect said customizable element designated as a customizable template. (Emphasis added)

> 14. A system for customizing a rule-based application, the system comprising:
> <u>means for designating a customizable element of a set as a customizable template, the customizable element being selected by an end-user;</u>
> means for compiling said customizable element into at least one object to form a ruleset; and
>
> parsing said set to detect said customizable element designated as a customizable template. (Emphasis added)

> 26. A computer-readable medium comprising at least one of: a non-volatile medium, or a volatile medium for storing software instructions for customizing a

rule-based application, which when executed by a processor perform the steps of:

<u>designating a customizable element of a set as a customizable template, the customizable element being selected by an end-user</u>;

compiling said customizable element into at least one object to form a ruleset;

storing said ruleset; and

parsing said set to detect said customizable element designated as a customizable template. (Emphasis added)

Since Grindrod fails to teach or suggest <u>designating a customizable element of a set as a customizable template</u>, where <u>the customizable element is selected by an end-user</u>, Grindrod does not teach or suggest each and every element of Applicants' claims 1, 14 and 26. Moreover, dependent claims 2, 4-13, 15, 17-25, 27, and 29-31 depend, either directly or indirectly, from independent claims 1, 14 and 26 and recite additional features. As such, and for at least the exact same reason set forth above, the Applicants submit that claims 2, 4-13, 15, 17-25, 27 and 29-31 are also not anticipated and are allowable.

Therefore, Applicants contend that claims 1-2, 4-15, 17-27 and 29-31 are patentable over Grindrod and, as such, fully satisfy the requirements of 35 U.S.C. §102. Thus, Applicants respectfully request that the rejection of claims 1-2, 4-15, 17-27 and 29-31 under 35 U.S.C. §102 be withdrawn.

V. CONCLUSION

Thus, the Applicants submit that all of the presented claims fully satisfy the requirements of 35 U.S.C. §101 and 35 U.S.C. §102. Consequently, the Applicants believe that all of these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

_1/15/08_

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